

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN A. MCCARTER,
Petitioner,

v.

RON BROOMFIELD, Warden,¹
Respondent.

Case No. [22-cv-01111-DMR](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner who is incarcerated at San Quentin State Prison (“SQSP”) has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the Sacramento County Superior Court. Dkt. 1.

On February 23, 2022, the court sent a notice asking Petitioner to complete an *in forma pauperis* application form. Dkt. 3. On March 3, 2022, the Clerk of the Court informed Petitioner that this action has been assigned to the undersigned Magistrate Judge.² Dkt. 4.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal.

¹ Ron Broomfield, the current warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

² To date, Petitioner has not yet returned the form indicating whether he consents to or declines magistrate judge jurisdiction in this action.

1 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it
2 involves parole or time credits claims, the district of confinement is the preferable forum. *See*
3 Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

4 Here, Petitioner challenges a conviction and sentence incurred in the Sacramento County
5 Superior Court, which is within the venue of the Eastern District of California. Therefore, the
6 United States District Court for the Eastern District of California has jurisdiction over this matter.

7 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,
8 this action is TRANSFERRED to the United States District Court for the Eastern District of
9 California.³ The Clerk shall transfer the case forthwith.

10 IT IS SO ORDERED.

11 Dated: March 10, 2022



DONNA M. RYU
United States Magistrate Judge

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³ Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).